

Sixth Appellate District

San Jose, California

MONDAY, APRIL 18, 2005

H028148 PEOPLE v. HILL

By the Court:

Upon the court's own motion, the submission order filed April 12, 2005, is hereby vacated to permit the appellant to file a response to the Wende brief. The matter will be resubmitted upon filing of the response or expiration of time in which to do so.

Dated: April 18, 2005

Bamattre-Manoukian, Acting P.J.

TUESDAY, APRIL 19, 2005

H027547 PEOPLE v. MULLER

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed April 19, 2005

H027350 PEOPLE v. BENNETT

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed April 19, 2005

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and R. W. Norvelle, Deputy Clerk.

H027124 PEOPLE v. OWENS

Cause called and argued by Joan Iserlis appearing for Appellant and by Melissa Krum, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027237 GILBERT v. CITY OF SUNNYVALE, et al.

Cause called and argued by Craig Brown appearing for Appellant and by Cynthia J. O'Neill appearing for Respondents. Cause ordered submitted.

H027866 Marriage of ASTER

Cause called. Appellant appears in pro per. No appearance is made by counsel for Respondent. Cause ordered submitted without oral argument.

Sixth Appellate District

San Jose, California

Tuesday, April 19, 2005 (continued)

H027703 TAYLOR, et al. v. VAN-CATLIN CONSTRUCTION

Cause called and argued by Arthur Plank appearing for Appellants and by Harold P. Smith appearing for Respondent. Cause ordered submitted.

Rushing, P.J. steps down and Mihara, J. takes the bench.

H028410 PEOPLE v. SUPERIOR COURT; WILLIAMS

Cause called and argued by Moona Nandi, Deputy Attorney General, appearing for Petitioner and by Andrea E. Flint appearing for Real Party in Interest. Cause ordered submitted. Court stands in recess.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and J. Michel Casique, Deputy Clerk.

H027367 PEOPLE v. CRUZ

Cause called and argued by William Robinson appearing for Appellant and by Allen R. Crown, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027104 REYNOLDS CASAS & RILEY, LLP v. 4920 CORPORATION, et al.

Cause called and argued by Samuel Goldstein appearing for Appellant and by Charles Gregory appearing for Respondents. Cause ordered submitted.

H026931 PEOPLE v. PROTHRO

Cause called and argued by Andrew C. Janecki appearing for Appellant and by Nancy H. Tung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026440 PEOPLE v. MARTINEZ, JR.

Cause called and argued by Lee J. Wilder appearing for Appellant and by John R. Vance, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026373 Estate Of GEORGE MARION DRUMMOND, Deceased

Cause called and argued by Michael G. Desmarais appearing for Respondent and by Michael Morrissey appearing for Appellants. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, April 19, 2005 (continued)

H026660 Estate of GEORGE MARION DRUMMOND, Deceased

Cause called and argued by Michael G. Desmarais appearing for Respondent and by Michael Morrissey appearing for Appellants. Cause ordered submitted. The Court stands in adjournment.

H027268 PEOPLE v. BUI

The judgment is ordered modified by staying pursuant to Penal Code section 654 the concurrent sentence imposed on count 4. As so modified, the judgment is affirmed. (not published) (Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 19, 2005

H027968 PEOPLE v. MAXWELL W.

The restitution order of August 30, 2004, is affirmed. (not published) (Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 19, 2005

H026921 PEOPLE v. DiLORENZO

The order of dismissal filed November 13, 2003, is affirmed. (not published) (Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Walsh, J.*)

Filed April 19, 2005

(*Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

WEDNESDAY, APRIL 20, 2005

H027493 PEOPLE v. LUIS F.

The judgment of wardship is reversed. The matter is remanded for trial on the child-endangerment allegation and, in any event, for new disposition. (not published) (Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed April 20, 2005

Sixth Appellate District

San Jose, California

THURSDAY, APRIL 21, 2005

H026601 GARDENHIRE, etc. v. SUPERIOR COURT; FRANCESCONI, et al.
(Filed order modifying opinion.) There is no change in the
judgment. Petitioner's petition for rehearing is denied.
(published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 21, 2005

H028020 In re KEITH S., et al; DFCS v. KEITH S.
The cause herein is ordered submitted.
Dated: April 21, 2005 RUSHING, P.J.

H027443 PEOPLE v. WILSON
The cause herein is ordered submitted.
Dated: April 21, 2005 BAMATTRE-MANOUKIAN, Acting P.J.

H025555 FYKE v. THE SCREEN SHOP, et al.
The judgment and the orders on costs and attorney fees are
affirmed. The parties shall bear their own costs on appeal. (not
published)
(McAdams, J.; We concur: Rushing, P.J., Walsh, J.*)
Filed April 21, 2005
(*Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)

H028020 In re KEITH S., et al; DFCS v. KEITH S.
The order of the juvenile court appointing Frank A. as the
legal guardian of Keith Jr., S. and Destiny S. is affirmed. (not
published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed April 21, 2005

H026837 PEOPLE v. BICHAYDA
The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed April 21, 2005

Sixth Appellate District

San Jose, California

Thursday, April 21, 2005 (continued)

H026161 PEOPLE v. DIAZ

The judgment is ordered modified to reflect that the sentence on count three is stayed pursuant to Penal Code section 654. As so modified, the judgment is affirmed. The superior court is ordered to send a certified copy of the corrected abstract of judgment to the Department of Corrections. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed April 21, 2005

FRIDAY, APRIL 22, 2005

(no minute approved orders)